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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,543	09/13/2004	Preben Almind	GRP0079US	6725
23413 7590 03/19/2009 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER GORDON, STEPHEN T				
ART UNIT 3612		PAPER NUMBER		
NOTIFICATION DATE 03/19/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary

Application No.

10/507,543

Applicant(s)

ALMIND, PREBEN

Examiner

Stephen Gordon

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-46 is/are pending in the application.
- 4a) Of the above claim(s) 24-26 and 30-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-23 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 24-26 and 30-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention. Applicant timely traversed the restriction (election) requirement in the reply filed on 9-20-07.
2. It is requested that applicant cancel at least non-elected claims 30-46 in response to this action to facilitate the issue process if the application is ultimately allowed.
3. Claims 1-14, 16-23 and 27-29, as newly amended, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 as newly amended, the recited fitting "configured to fasten a root end of a wind turbine" added to the end of the claim (note different from old claim 15) is generally very confusing and not understood. For example, it is not clear what "a root end of a wind turbine" would comprise. Would such an end include a base/"root" end of a wind turbine vertical stanchion which supports the driving motor and blade elements? etc. To this end, it is not clear how the recited fitting would be configured.

Claim 9, "the telescoping column" at the end of the claim lacks antecedent basis.

Claim 10, the recited plurality of telescoping columns is confusing as it is not clear how such columns are interrelated with the other recited elements. Notwithstanding applicant's remarks in the latest amendment, the claim fails to recite sufficient structure to support the recited function.

Finally regarding claim 18, while the claim is not deemed indefinite it is noted that “a wind turbine blade” of line 6 could be more clearly written as –the wind turbine blade— to better correspond with the base claim preamble and with the similar term at the end of the claim 18.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 16, 19, 21-22, 27, and 29, as newly amended and as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Sain et al ‘291. Sain et al teaches a container system which could be used to transport turbine blades including a 40 foot ISO container (figure 3) defining a module which is connected to other containers/modules. The module/container is deemed to define a box shaped frame and is illustrated with corrugated side walls as is common in the art for most ISO type containers.

Claim 1, the apertured ISO corner fittings define connecting members as broadly claimed. With additional regard to the newly added language to claim 1, the end structures of the module (e.g. including the internal portions of the box-shaped frame elements standard for ISO containers) could be used to attach a root end and define a “fitting” as newly broadly claimed and as best understood. Additionally, in view of the confusing language added to the end of claim 1 as discussed in the section 112 – 2nd paragraph rejection above, application of the prior art to the claims is cumbersome. For

example, it is not clear what the "root end of a wind turbine" would comprise. Would such an end include a base/"root" end of a wind turbine vertical stanchion which supports the driving motor and blade elements? etc. Since it is not clear what type of element the fitting is "configured to fasten", the prior art has been applied to the best extent possible.

Claim 2, the device defines multiple modules as broadly claimed and as best understood - see figure 3 etc.

Claim 3, the device is configured as broadly claimed and as best understood - see 40 foot container in figure 3 defining the standard module.

Claim 4, the device is configured as broadly claimed and as best understood - see 40 foot container in figure 3 defining the extension module.

Claims 5-6, 21, 27, and 29, the device is configured as broadly claimed and as best understood.

Claim 16, the blade could be tilted and attached to the module end structures, and the device is deemed configured as broadly claimed and as best understood.

Claim 19, the end structures of the module could be used to attach a blade tip and define a holder as broadly claimed and as best understood.

Claim 22, the bottom ISO corner fitting lower aperture defines a drainage hole as broadly claimed.

6. Claims 1, 6, 7, 21, and 23, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ramsay et al '674.

Ramsay et al teaches an extendable container which could be used to transport a turbine blade including a module 30+ attachable to other modules and defining a box shaped frame with corrugated/ribbed sidewalls. The module/container has end connecting members for attachment to another module – see figure 6 etc.

With regard to claim 1 as newly amended, at least one of the elements 50 could be used to attach "a root end" as best understood and reads on the defined fitting as broadly claimed and as best understood. Note element 50 for example could receive a tie strap which could be used to secure a handled "root end". To this end, such element would define a fitting "configured to fasten a root end" as broadly claimed and as best understood. Additionally, in view of the confusing language added to the end of claim 1 as discussed in the section 112 – 2nd paragraph rejection above, application of the prior art to the claims is cumbersome. For example, it is not clear what the "root end of a wind turbine" would comprise. Would such an end include a base/"root" end of a wind turbine vertical stanchion which supports the driving motor and blade elements? etc. Since it is not clear what type of element the fitting is "configured to fasten", the prior art has been applied to the best extent possible.

Claims 7 and 23, the ribbed top and bottom sections define corrugated roof and floor sections as broadly claimed and as best understood.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 28, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Sain et al. '291.

Sain et al. teaches all of the claimed features as discussed above regarding claim 1 but fails to specifically teach use of an externally mounted ladder.

Use of ladders per se on external sides of cargo enclosing structures is notoriously well known in the art

In order to allow better access to the container/module roof to facilitate container attachment or maintenance, it would have been obvious to one of ordinary skill in the art to provide an externally mounted roof access ladder for the container of Sain et al. in view of known art practices.

9. Claims 1, 6, and 8-14, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Betjemann '600.

Betjemann teaches a container module which could be attached to another module and used to transport a turbine blade as broadly claimed and as best understood. The device includes a box shaped frame and standard ISO apertured corner fittings at each end which define connecting members.

Claim 1, Betjemann teaches an open framework sidewall construction and fails to teach use of corrugated sidewalls.

Use of corrugated sidewalls for ISO containers is notoriously well known in the art, and such sidewalls are employed in the majority of ISO containers currently in use.

In order to better protect handled cargo from damage, it would have been obvious to one of ordinary skill in the art to fit the open sidewalls of Betjemann with corrugated side sheets in view of known art practices.

With regard to the newly added language to the end of claim 1, the end structures of the module (e.g. including the internal/frame portions of the box-shaped frame elements standard for ISO containers) could be used to attach a root end and define a "fitting" as newly broadly claimed and as best understood. Additionally, in view of the confusing language added to the end of claim 1 as discussed in the section 112 – 2nd paragraph rejection above, application of the prior art to the claims is cumbersome. For example, it is not clear what the "root end of a wind turbine" would comprise. Would such an end include a base/"root" end of a wind turbine vertical stanchion which supports the driving motor and blade elements? etc. Since it is not clear what type of element the fitting is "configured to fasten", the prior art has been applied to the best extent possible.

Claim 6, the top sections of the ISO corner castings define a roof as broadly claimed and as best understood.

Claim 8, note telescoping columns 23B+.

Claims 9-11 and 13, the device is configured as broadly claimed and as best understood.

Claim 12, the sliding surfaces define a slider as best understood and as broadly claimed.

Claim 14, note stop holes 33.

10. Claims 17, 18, and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Applicant's arguments filed 12-1-08 have been fully considered but they are not persuasive.

Regarding applicant's remarks directed toward the section 102 rejection in view of Sain et al., applicant indicates that Sain et al. fails to teach a blade root fitting. As indicated previously regarding the newly added language to claim 1, the end structures of the module (e.g. including the internal portions of the box-shaped frame elements standard for ISO containers) could be used to attach a root end and define a "fitting" as newly broadly claimed and as best understood. Additionally, in view of the confusing language added to the end of claim 1 as discussed in the section 112 – 2nd paragraph rejection above, application of the prior art to the claims is cumbersome. For example, it is not clear what the "root end of a wind turbine" would comprise. Would such an end include a base/"root" end of a wind turbine vertical stanchion which supports the driving motor and blade elements? etc. Since it is not clear what type of element the fitting is "configured to fasten", the prior art has been applied to the best extent possible.

Regarding applicant's remarks directed toward the section 102 rejection in view of Ramsay et al., applicant indicates that (1) Ramsay et al. fails to teach a blade root fitting and (2) Ramsay et al. is not dimensioned to contain wind turbine blades. Regarding point (1), as previously noted with respect to Ramsay et al., at least one of the elements

50 could be used to attach "a root end" as best understood and reads on the defined fitting as broadly claimed and as best understood. Note element 50 for example could receive a tie strap which could be used to secure a handled "root end". To this end, such element would define a fitting "configured to fasten a root end" as broadly claimed and as best understood. Additionally, in view of the confusing language added to the end of claim 1 as discussed in the section 112 – 2nd paragraph rejection above, application of the prior art to the claims is cumbersome. For example, it is not clear what the "root end of a wind turbine" would comprise. Would such an end include a base/"root" end of a wind turbine vertical stanchion which supports the driving motor and blade elements? etc. Since it is not clear what type of element the fitting is "configured to fasten", the prior art has been applied to the best extent possible. Regarding applicant's point (2), the examiner respectfully disagrees with applicant's interpretation. It should be noted that many smaller sizes of wind turbines are currently on the market. Some of these smaller turbines are designed for and utilized on the balconies of apartments for example. The container of Ramsay et al. would be appropriately sized to contain such turbine components. Moreover, the Ramsay et al. container may appropriately transport a portion of a segmented turbine blade etc. Finally, in as much as the turbine blade per se is not a positively recited element of the instant claimed combination, the functional language relating thereto is given little patentable weight.

Regarding applicant's comments directed to the section 103 rejection in view of Betjemann, applicant indicates that Betjemann fails to teach a blade root fitting as

recited. As previously noted with regard to Betjemann and the newly added language to claim 1, the end structures of the module (e.g. including the internal portions of the box-shaped frame elements standard for ISO containers) could be used to attach a root end and define a "fitting" as newly broadly claimed and as best understood. Additionally, in view of the confusing language added to the end of claim 1 as discussed in the section 112 – 2nd paragraph rejection above, application of the prior art to the claims is cumbersome. For example, it is not clear what the "root end of a wind turbine" would comprise. Would such an end include a base/"root" end of a wind turbine vertical stanchion which supports the driving motor and blade elements? etc. Since it is not clear what type of element the fitting is "configured to fasten", the prior art has been applied to the best extent possible.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571) 272-6661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gordon/
Primary Examiner
Art Unit 3612

stg